

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICIA R. PINTO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 2:16-cv-00738 JRC

ORDER GRANTING STIPULATED
MOTION FOR REMAND

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (*See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 7; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8.) This matter is before the Court on defendant's stipulated motion to remand the matter to the Acting Commissioner for further consideration (Dkt. 16.)

After reviewing defendant's stipulated motion and the remaining record, the Court grants defendant's motion, and reverses and remands this matter to the Acting Commissioner.

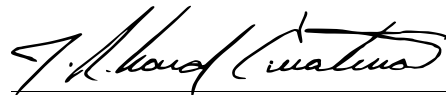
1 Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision
2 in regard to plaintiff's applications for disability insurance benefits and supplemental security
3 income payments under Titles II and XVI of the Social Security Act is REVERSED and
4 REMANDED to the Commissioner of Social Security for further administrative proceedings
5 before an administrative law judge (ALJ), a new hearing, and a new decision.

6 On remand, the ALJ will 1) give plaintiff the opportunity for a new hearing; 2) evaluate
7 the new medical evidence submitted to the Appeals Council at Exhibit 13F; 3) evaluate further
8 plaintiff's mental impairments; 4) assess further plaintiff's residual functional capacity; 5)
9 evaluate further plaintiff's subjective complaints; and 6) continue with the remaining steps of the
10 sequential evaluation, obtaining supplemental evidence from a vocational expert, if necessary.

11 This Court hereby reverses the Commissioner's decision pursuant to sentence four of 42
12 U.S.C. §405(g) with a remand of the cause to the Commissioner for further proceedings. *See*
13 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The parties stipulate that plaintiff may be awarded
14 reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. §
15 2412(d) following proper request to this Court.

16 Given the facts and the parties' stipulation, the Court hereby orders that the case be
17 **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 31st day of October, 2016.

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21 J. Richard Creatura
22 United States Magistrate Judge
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